

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARC CURTIS

X

**08-cv-2795 (HB)**

Plaintiff(s),

-against-

**PLAINTIFF'S INITIAL  
DISCLOSURES**

THE CITY OF NEW YORK,  
P.O. CESAR CASTILLO,  
Shield No. 18545, Tax Registry No. Unknown,  
"John Doe" and "Ronald Roe"  
and various other unknown officers of the  
NEW YORK CITY POLICE DEPARTMENT

Defendants.

X

Plaintiff, Marc Curtis, by his attorneys, Kreisberg & Maitland, LLP, as and for his initial disclosure pursuant to Rule 26(a)(1), Fed.R.Civ.P., stats as follows:

1. Names and addresses of individuals likely to have discoverable information.
  - a. Plaintiff, Marc Curtis, 1325 Rosedale, Bronx, New York 10472
  - b. Defendant, P.O. Cesar Castillo, Manhattan North Anti-Crime, 530 West 126<sup>th</sup>

Street, New York, New York, 10027 and/or NYPD, 1 Police Plaza, New York New York, 10038.

- c. Police Officer Johanna Urena, NYPD, 1 Police Plaza, New York, New York, 10038

2. Documents -

- a. Notices of Claim for plaintiff, filed February 22, 2007 and April 18, 2007,

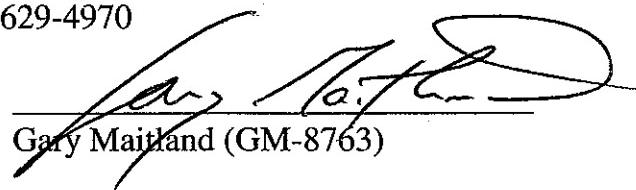
annexed hereto as Exhibit "A".

- b. Criminal Complaint against Marc Curtis, Docket No. 2006NY086610,  
annexed hereto as Exhibit "B".

Dated: New York, New York  
July 11, 2008

KREISBERG & MAITLAND, LLP  
Attorneys for Plaintiffs  
14 Penn Plaza  
New York, New York 10122  
(212) 629-4970

By:

  
Gary Maitland (GM-8763)

TO: City of New York  
Corporation Counsel  
100 Church Street  
New York, New York 10007  
ATTN: Joyce Campbell Priveterre, Esq.



X13-Notice of Claim against The City of New York:  
Section 50e General Municipal Law. 6-83

*In the Matter of the Claim of*

**MARC CURTIS**

*against*

**THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, POLICE OFFICER CESAR CASTILLO, Shield No. 18545, and VARIOUS UNKNOWN NAMED POLICE OFFICERS**

**TO: COMPTROLLER OF THE CITY OF NEW YORK**

**PLEASE TAKE NOTICE** that the undersigned claimant hereby makes claim and demand *against the City of New York, as follows:* [Office of the Comptroller requests the following additional information: in Section 2, specific defect (e.g. pothole), if applicable; in Section 3, street address wherever possible.]

**1. The name and post-office address of each claimant and claimant's attorneys is:**

Marc Curtis Claimant 1325 Rosedale Avenue Bronx, NY 10472	Kreisberg & Maitland, LLP 14 Penn Plaza at 225 West 34th Street, Suite 1000 New York, New York 10122 (212) 629-4970
--	---

**2. The nature of the claim:**

False arrest, excessive use of force, unlawful imprisonment, malicious prosecution, negligence, assault, battery, negligent hiring, training and supervision of involved police officers, violation of state and federal civil rights

**3. The time when, place where and the manner in which the claim arose:**

On December 19, 2006, at approximately 11:30 p.m., in the vicinity of 204<sup>th</sup> Street and Nagle Avenue in New York, New York, Police Officer Cesar Castillo, Shield No. 18545 of the 34<sup>th</sup> Precinct and approximately three other police officers whose names are unknown, did wrongfully and unlawfully place hands on Marc Curtis, handcuffing and arresting Marc Curtis without any probable cause to do so. Mr. Curtis was then transported to the 34<sup>th</sup> Precinct, then to Central Booking and was not released from custody until he was arraigned on December 21, 2006 at approximately 6:00 p.m., over forty (40) hours later. Mr. Curtis was charged with crimes he did not commit and if forced to defend to this day under Docket No. 2006NY086610.

**4. The items of damage or injuries claimed are:**

physical and psychological and emotional injuries

**TOTAL AMOUNT CLAIMED: NOT LESS THAN TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00 Minimum)**

RECEIVED  
CITY OF NEW YORK  
07 FEB 22  
11:29 AM  
COMPTROLLER'S OFFICE  
CENTRAL IMAGING FACILITY  
BUREAU OF INFORMATION

The undersigned claimant therefore presents this claim for adjustment and payment. You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, the claimant intends to commence an action on this claim.

Dated:

Marc R. Curtis

MARC CURTIS

Kreisberg & Maitland LLP  
By Jeffrey L. Kreisberg

~~KREISBERG & MAITLAND, LLP~~

Attorneys for Claimant  
14 Penn Plaza at  
225 West 34th Street, Suite 1000  
New York, New York 10122  
(212) 629-4970

**INDIVIDUAL VERIFICATION**

*State of New York, County of New York ss.:*

MARC CURTIS

being duly sworn, deposes and says that deponent is the claimant in the within action; that he has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.

Sworn to before me, this

20th day of February, 2007

Jeffrey L. Kreisberg  
Notary Public

JEFFREY L. KREISBERG  
Notary Public, State of New York  
No. 02KR4962731  
Qualified in Suffolk County  
Commission Expires Feb. 26, 2010

X13-Notice of Claim against The City of New York:  
Section 50e General Municipal Law. 6-83

*In the Matter of the Claim of*

**MARC CURTIS**

*against*

**THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, P.O. CESAR CASTILLO, Shield No. 18545, and VARIOUS UNKNOWN NAMED POLICE OFFICERS**

**TO: COMPTROLLER OF THE CITY OF NEW YORK**

**PLEASE TAKE NOTICE that the undersigned claimant hereby makes claim and demand against the City of New York, as follows:** [Office of the Comptroller requests the following additional information: in Section 2, specific defect (e.g. pothole), if applicable; in Section 3, street address wherever possible.]

**1. The name and post-office address of each claimant and claimant's attorneys is:**

Marc Curtis	Kreisberg & Maitland, LLP
Claimant	14 Penn Plaza at
1325 Rosedale Avenue	225 West 34th Street, Suite 1000
Bronx, NY 10472	New York, New York 10122 (212) 629-4970

**2. The nature of the claim:**

False arrest, excessive use of force, unlawful imprisonment, malicious prosecution, negligence, assault, battery, negligent hiring, training and supervision of involved police officers, violation of state and federal civil rights

**3. The time when, place where and the manner in which the claim arose:**

On December 19, 2006, at approximately 11:30 p.m., in the vicinity of 204<sup>th</sup> Street and Nagle Avenue in New York, New York, Police Officer Cesar Castillo, Shield No. 18545 of the 34<sup>th</sup> Precinct and approximately three other police officers whose names are unknown, did wrongfully and unlawfully place hands on Marc Curtis, handcuffing and arresting Marc Curtis without any probable cause to do so. Mr. Curtis was then transported to the 34<sup>th</sup> Precinct, then to Central Booking and was not released from custody until he was arraigned on December 21, 2006 at approximately 6:00 p.m., over forty (40) hours later. Mr. Curtis was charged with crimes he did not commit and was forced defend under Docket No. 2006NY086610 until all charges were dismissed on March 27, 2007.

**4. The items of damage or injuries claimed are:**

physical and psychological and emotional injuries

**TOTAL AMOUNT CLAIMED: NOT LESS THAN TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00 Minimum)**

RECEIVED  
CITY OF NEW YORK  
POLICE DEPARTMENT  
COMPTROLLER'S OFFICE  
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APR 18 2008  
36

RECEIVED  
APR 18 2008  
36

The undersigned claimant therefore presents this claim for adjustment and payment. You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, the claimant intends to commence an action on this claim.

Dated: 4/17/07

Marc D. Curtis

MARC CURTIS

KREISBERG & MAITLAND, LLP  
Attorneys for Claimant  
14 Penn Plaza at  
225 West 34th Street, Suite 1000  
New York, New York 10122  
(212) 629-4970

07 APR 18 AM 10:36  
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CLERK'S OFFICE  
NEW YORK COUNTY  
NOTARY PUBLIC  
REGISTRATION SYSTEM

INDIVIDUAL VERIFICATION

State of New York, County of New York, ss.:

MARC CURTIS

being duly sworn, deposes and says that deponent is the claimant in the within action; that he has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.

Marc D. Curtis

MARC CURTIS

Sworn to before me, this  
13<sup>rd</sup> day of April, 2007

GARY MAITLAND  
Notary Public, State of New York

No. 4714366

Qualified in New York County  
Commission Expires March 30, 2010

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NEW YORK COUNTY  
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REGISTRATION SYSTEM



CRIMINAL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK

Page 1 of 2

THE PEOPLE OF THE STATE OF NEW YORK MISDEMEANOR  
-against-

1. Marc Curtis (M 40)



712600

Defendant.

Police Officer Cesar Castillo, shield 18545 of the 034 Precinct, states as follows:

On December 19, 2006, at about 23:25 hours at 562 Academy Street in the County and State of New York, the Defendant committed the offenses of:

1. PL140.15 Criminal Trespass in the Second Degree  
(1 count)
2. PL265.01(1) Criminal Possession of a Weapon in the Fourth Degree  
(1 count)

the defendant knowingly entered and remained unlawfully in a dwelling; and the defendant possessed a gravity knife.

The offenses were committed under the following circumstances:

Deponent states that while on patrol inside the above location, an apartment building where people reside, deponent observed the defendant inside the lobby of the dwelling beyond the vestibule and that said location is beyond a posted sign which read, "No Trespassing", "Tenants and their Guests Only" and "in part. Anyone who remains unlawfully upon these premises will be prosecuted".

Deponent further states that defendant is not a tenant in that the defendant provided an address different from the above location and defendant is not an invited guest in that the defendant was unable to provide the identity of a resident of whom defendant was an invited guest.

Deponent determined that the defendant did not have permission or authority to be inside the dwelling based on information and belief the source of which is as follows: the attached owner's/managing agent affidavit.

CRIMINAL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK

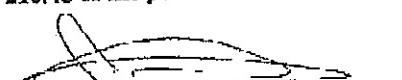
Page 2 of 2

THE PEOPLE OF THE STATE OF NEW YORK -against-	MISDEMEANOR
1. Marc Curtis (M 40)  712600	
Defendant.	

Deponent states that deponent is informed by Police Officer Johanna Urena, shield # 8512 of the 34 Precinct, that informant recovered a gravity knife from defendant's belt.

Deponent further states that deponent is informed by informant that said knife was a gravity knife because informant opened the knife with centrifugal force by flicking informant's wrist while holding the knife, and the blade in the open position. Deponent further states that deponent is informed by informant that said knife does not require manual locking.

False statements made herein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law.

  
Deponent

12/20/06 2008  
Date and Time

New York County  
Misdemeanor Complaint

The People of the State of New York

vs.

## Defendant:

1. MARC CURTIS (M 40)  
M06700543 12/19/2006 23:25  
1325 ROSEDALE AVE  
BRONX NY

## Charges:

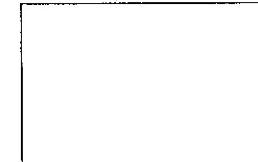
PL140.15  
PL265.01(1)

## Docket Number:

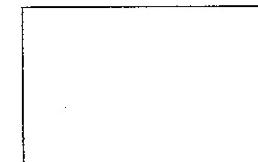
2006NY086618

AR2

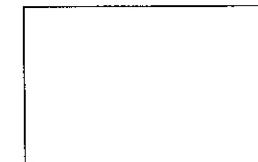
2.



3.



4.



Interpreter: Language \_\_\_\_\_

Screener: Chiara, John - Trial Bureau 40

Notices Served at Arraignment:

- CPL 710.30(1)(A) - Statement  
 CPL 710.30(1)(B) - Identification  
 CPL 250.20 - Alibi  
 PL 450.10(48 hrs /15 days) - Property  
 CPL 170.20 - Grand Jury  
 Cross Grand Jury  
 OTHER: \_\_\_\_\_

Adjournment:

Part: \_\_\_\_\_ Date: \_\_\_\_\_

Bail Condition:

- / \_\_\_\_\_  
 (Ins. Co. Bail Bond) (Cash Bail)  
 ART 730 Exam Ordered  
 Protective Custody  
 Medical Attention  
 Psychiatric Evaluation  
 Suicide Watch  
 Deemed an Information  
 Defense Motions Due: \_\_\_\_\_  
 T.O.P./F.O.P. \_\_\_\_\_

Documents:Served at Arraignment:

- | Served at Arraignment:                            | Needed For<br>Conversion |
|---|--------------------------|
| <input type="checkbox"/> Supporting Deposition    | <input type="checkbox"/> |
| <input type="checkbox"/> DMV Abstract             | <input type="checkbox"/> |
| <input type="checkbox"/> Lab Report/ Field Test   | <input type="checkbox"/> |
| <input type="checkbox"/> DWI Paperwork            | <input type="checkbox"/> |
| <input type="checkbox"/> Domestic Incident Report | <input type="checkbox"/> |
| <input type="checkbox"/> Family Registry          | <input type="checkbox"/> |
| <input type="checkbox"/> Underlying T.O.P.        | <input type="checkbox"/> |

Disposition:

- ACD - CPL 170.55  
 ACD - CPL 170.56  
 Waives Prosecution by Information  
 and Pleads Guilty to  
 PL 240.20/  
 Investigation & Sentenced Ordered  
 DNA-Eligible Misdemeanor  
 DNA Sample Taken

Sentence (or Promise):

days jail

## Conditional Discharge:

Days Community Service

Days Jail Alternative

## Other: \_\_\_\_\_

## Mandatory Surcharge (and CVA):

- Judgment Entered - All Fees  
 \$160 Misd.  \$95 Viol.  \$50 VTL  
 \$185 VTL1192 Misd.  \$75 VTL1192(1) Infrac.  
 \$50 - DNA Fee

Arresting Officer

Court Reporter

Date

Part

034 Precinct18545Cesar Castillo

Judge \_\_\_\_\_

**AFFIDAVIT OF SERVICE**

**STATE OF NEW YORK** )  
                                )  
**COUNTY OF NEW YORK**      ) ss.:  
                                )

**CHARMAINE MEDFORD**, being duly sworn, states as follows:

I am over 18 years of age, not a party to the within action, and reside at Great Neck, New York.

**On July 25, 2008, I served the annexed PLAINTIM-S DISCLOSURE upon the person(s) or parties designated below by mailing a true and complete copy of same in a postage pre-paid envelope, and depositing same in a post office or official depository of the United States Postal Service within New York State, at the last known address of the addressee(s) as set forth herein.**

**City of New York  
Corporation Counsel  
100 Church Street  
New York, New York 10007  
ATTN: Joyce Campbell Priveterre**

CMedford  
**CHARMAINE MEDFORD**

Sworn to before me this  
25<sup>th</sup> day, July, 2008

  
\_\_\_\_\_  
**Notary Public**

JILL MENDELBERG  
Notary Public, State of New York  
No. 02ME6159046  
Qualified in Kings County  
Commission Expires January 16, 2011